



What is Supported Bargaining?

Supported Bargaining is a new stream of bargaining, introduced in June 2023 to replace the 'low paid bargaining stream'. It's a kind of multi-employer bargaining, designed to bring employers into agreements in industries where bargaining has been difficult.

By making a 'Supported Bargaining Application' to the Fair Work Commission, we can bring a group of employers into bargaining who have not wanted to bargain with us before.

If there is another party that has control over the terms and conditions in the sector, we can bring them to the bargaining table as well. In the disability sector, this might be the National Disability Insurance Agency (NDIA) - who control funding and pricing under the NDIS.

What goes into a supported bargaining authorisation?

After a union or bargaining representative makes an application for supported bargaining authorisation, the FWC considers:

- Pay and conditions within the sector. This type of agreement is designed for low-paid industries.
- Common interests between the employers, including type of business, geographic location, whether they are substantially funded by the government, etc.
- Bargaining representation – whether the number of bargaining representatives is likely to be consistent with a manageable bargaining process.
- Any other matters the FWC consider relevant.

How can the Fair Work Commission assist in bargaining?

When a supported bargaining authorisation is made, the FWC has powers to assist, such as by:

- Convening conferences.
- Making a [Bargaining Order](#).
- Directing a third party (e.g. the NDIA) to the agreement to attend a conference.
- Facilitating parties taking an interest-based approach through the FWC [Collaborative Approaches Program](#).
- If bargaining fails, making an intractable bargaining declaration. This can lead to an intractable bargaining workplace determination which gives the FWC further powers to push the agreement forward.

HACSU and Supported Bargaining

HACSU is currently in the early stages of a Supported Bargaining application with 14 small disability providers who have been resistant to bargaining. We are also considering how we can best take advantage of supported bargaining with other groups of employers and employees in the sector.

If Supported Bargaining goes ahead, we will be one of the first unions to bargain this new kind of agreement.

We hope that by undertaking this, we can raise wages and conditions for disability workers at these 14 employers – but also, by raising conditions across the sector, we can push the NDIA and NDIS to increase funding for workers. We'll keep you updated as things progress.